STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. S-11/09-628
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Office of Home Heating Fuel
Assistance denying her Seasonal Fuel Assistance. The issue is whether the petitioner's income exceeds the program
maximum.

FINDINGS OF FACT

- 1. The petitioner lives with her daughter. She applied for fuel assistance in July 2009. At the time she had been laid off from work and had no income. Based on her application the Department found her eligible for assistance as of November 2009, when the program was to begin.
- 2. In October 2009 the Department learned from a computer match with other benefit programs that the petitioner had been found eligible for unemployment compensation retroactive to August 2009. The Department confirmed this information in a phone call to the petitioner.
- 3. On November 6, 2009 the Department notified the petitioner that she would not be eligible for seasonable fuel

assistance. At the hearing held on January 6, 2010 the petitioner did not dispute the Department's determination that her unemployment benefits are \$450 a week, or \$1,935 a month $($450 \times 4.3 \text{ wks/mo})$.

4. The petitioner feels the Department should count her income as of the date of her application.

ORDER

The Department's decision is affirmed.

REASONS

Under the Seasonal Fuel Assistance program, all fuel assistance household income is included as countable income, minus any allowable deductions. W.A.M. \$2930. The maximum income for a two-person household is \$1,518 a month. P-2905A. The regulation (supra) also provides:

To the extent that the department collects and maintains information within its automated data system on recipients on ongoing program benefits administered by the department, such income information will be used for the determination of eligibility and benefits for the Fuel Program, if such income information is more current than provided on the fuel application.

There is no dispute in this matter that as of August 2009 the petitioner had countable income in excess of the program maximum. Inasmuch as the Department's decision was

in accord with its regulations the Board is bound to affirm. 3 V.s.A. \$ 3091(d), Fair Hearing Rule No. 1000.4D.

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